

Claimant contends she is entitled to workers compensation benefits because she allegedly developed carpal tunnel syndrome while working for the respondent in July and August 1995. Claimant had been employed by the respondent on a previous occasion several years ago. She returned to work for the respondent as an embroidery machine operator on July 17, 1995. After working a total of 58.75 hours, claimant was off work from

July 26 through August 6, a total of twelve days, because she became ill with chicken pox. While off work during that period, claimant painted a portion of her apartment.

When she returned to work after recovering from her illness, her hands began bothering her. On her third day back to work, claimant's hands hurt so badly she could not touch her machine. Because she could not tolerate the pain, claimant left work on August 15, 1995. During the twenty-nine (29) day period claimant was employed by the respondent, she worked approximately ninety-nine (99) hours. Since leaving work, her symptoms have worsened.

After leaving work, claimant sought medical treatment and has been diagnosed as having bilateral carpal tunnel syndrome and surgery has been recommended. Claimant's medical history indicates that before working for this respondent, claimant had developed some symptoms in her hands. On her last day of work, claimant advised Mark Robertson, the son of the owner of the company, that she was going to take some time off for surgery on her hands and that she was going to try to get her former employer to pay for it. She told Mr. Robertson about experiencing numbness in her hands when she formerly worked as a florist.

Sometime after her termination, claimant telephoned respondent's controller, Ms. De Tinius, and reported that she was having problems with her arms and was going to return to the floral company where she previously worked in an attempt to obtain workers compensation benefits. Claimant told Ms. Tinius she thought her problems were the result of her work at the floral company.

Claimant testified she has had numbness in her right thumb since she was seven or eight years old because of a childhood injury. Claimant also admits she had experienced numbness in her hands when they would become cold when she was working at a greenhouse; however, the numbness would resolve when her hands warmed. Despite those symptoms, the claimant never missed any work because of her hand problems before August 1995. Claimant also testified her hands did not start hurting until she began working for this respondent and contends the repetitive use of her hands while working at respondent's aggravated her hand problems. Before August 25, 1995, when she went to the emergency room at the Independence Regional Medical Center, claimant had never sought nor received medical treatment for this condition.

The claimant presented the report of P. Brent Koprivica, M.D., dated December 22, 1995. Claimant told Dr. Koprivica that her job at respondent's required repetitive hand movement and that she noted both of her hands started aching, swelling and burning while she was working for the respondent. She also told the doctor that her symptoms developed progressively and fairly quickly after she began working for the respondent. On page 5 of his report, Dr. Koprivica states:

"At this point with the data I have available, it is my opinion Ms. Ridenour's repetitive hand activities at R&R Design has resulted in cumulative injury effecting both upper extremities with evidence of peripheral entrapment of the median nerve at the wrist bilaterally."

The respondent presented the medical report of hand specialist John B. Moore IV, M.D., who indicates claimant's childhood injury resulted in visible atrophy of the right thenar muscles and a partial laceration of the nerve with an incomplete regeneration. He took a history from claimant that she had been employed as an embroidery machine operator from 1990 to 1993 and had worked at numerous jobs including waitressing, truck driving, and floral arranging before her employment with the respondent. Dr. Moore believes claimant's condition preexisted her employment at respondent's and it was only mildly aggravated during the brief period she worked for the respondent. He also believes any

aggravation due to her employment with the respondent should have been temporary only. The fact that her symptoms did not reverse indicates to him that the majority of her causation is due to her many previous years of repetitive use of her hands.

Starting on page 2 of his report, Dr. Moore writes:

"2. I do not think that Ms. Ridenour's condition was caused by her brief period of employment at R&R Designs. Chronic carpal tunnel syndrome, such as Ms. Ridenour has, is caused by chronic swelling of the flexor tendons usually due to repetitive gripping activities. This condition is one that usually takes a minimum of six weeks to develop irreversibly. It can develop after a brief overuse of the hand, but should reverse itself with rest. Ms. Ridenour's condition did not reverse with rest and stopping the employment activities at R&R Design. This indicates that she had chronic progressive swelling. This, along with her admitted previous symptoms while working in the flower shop indicate to me that the swelling in her tendons has been going on for months or even years before her employment at R&R Design. Her brief employment at R&R Design may have added a little bit more swelling to her hands, but it is not the primary cause of her carpal tunnel syndrome.

"3. Within reasonable medical certainty, Ms. Ridenour's condition involving her right upper extremity pre-existed her employment at R&R Designs and was mildly aggravated during her brief period of employment. However, any aggravation due to that one month of employment should have been reversible. The fact that her symptoms did not reverse with stopping the employment indicates that the majority of her causation is due to her many previous years of repetitive motion activities and not simply her one month of employment at R&R Designs."

The Appeals Board finds the Administrative Law Judge correctly analyzed the facts and arrived at the proper conclusion. Based upon the brief period of time that claimant worked for respondent, the Appeals Board finds Dr. Moore's opinion persuasive that any injury or aggravation claimant experienced while working for the respondent was more probably than not temporary in nature. The Appeals Board agrees that claimant has failed to prove her work for the respondent is responsible for causing or aggravating the carpal tunnel syndrome which she has developed. Therefore, the respondent and its insurance carrier are not responsible for providing medical treatment or other benefits to claimant under the Kansas Workers Compensation Act.

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the Preliminary Decision of Administrative Law Judge Robert H. Foerschler dated January 11, 1996 should be, and hereby is, affirmed.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of March 1996.

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BOARD MEMBER

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BOARD MEMBER

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BOARD MEMBER

c: Ryan T. Linville, Kansas City, Missouri  
D'Ambra M. Howard, Overland Park, Kansas  
Robert H. Foerschler, Administrative Law Judge  
Philip S. Harness, Director